

APPROVED MINUTES

Village of Gilberts  
Village Board  
Meeting Minutes  
August 3, 2010

**Call to Order**

President Zirk called the meeting to order at 7:00 p.m. He proceeded to lead those present in the Pledge of Allegiance.

**Roll call/Establish Quorum**

President Zirk asked Village Clerk Meadows to call the roll. Roll call: Members present: Trustees Clark, Mierisch, Zambetti, Farrell, Cullotta and President Zirk. 1-absent: Trustee Erbeck. Others present: Administrator Keller, Chief Building Inspector Swedberg, Finance Director Blocker and Village Clerk Meadows. For members for the audience please see the attached list.

Trustee Erbeck arrived at 7:01 p.m.

**Public Comment and Discussion**

President Zirk asked if anyone in attendance wished to address the Board. Mr. Jeff Reimer, owner of J.S. Reimer located at 16N158 Tyrrell Road rose to address the Board. Mr. Reimer provided the Board with a brief history of his development. He acknowledged that he was not in compliance with the 2007 agreement between himself and the Village. He pleaded with the Board not to impose the \$750.00 per day fines and allow him two more weeks to remove the grindings and reorganize his equipment.

He reported that he had invested a considerable amount of capital installing the water and sanitary sewer infrastructure to his property. Mr. Reimer anticipated that a recapture agreement between himself and Neumann Homes would provide a partial return on his investment. However, Neumann Homes has long since entered into bankruptcy.

Mr. Reimer discussed the failed FedEx Petition and the impact it had on his development.

Mr. Reimer went on to report that he had out-of-pocket expenses constructing the Route 72 and Tyrrell intersection improvements. In addition, he assisted the Village with the Hennessy Bridge emergency repairs at cost.

President Zirk reported that Mr. Reimer had stopped by Trustee Clark's place of business to discuss Attorney Tappendorf's letter addressing the non-compliance concerns and the implementation of the \$750.00 per day fines. Trustee Clark suggested Mr. Reimer schedule a meeting with President Zirk and Administrator Keller. President Zirk recommended that Mr. Reimer come before the entire Board so they could conduct a group discussion.

President Zirk questioned the intent of the agreement. He noted that agreement was drafted and executed prior to his term. President Zirk asked Administrator Keller to briefly review the terms of the agreement.

Administrator Keller paraphrased the main points of the agreement. He reported that the first topic was the terms setting forth the compliance timeline expiring on July 24, 2010. By which time Mr. Reimer had agreed to improve lot 49 to comply with all provisions of the Village Zoning Ordinance, Village Subdivision Ordinance and the Village Code.

Administrator Keller went on to report that the second topic was the terms set forth with respect to the removal of the spoil piles by July 24, 2010. He noted that the agreement stated that if the spoil piles were not removed by such date Mr. Reimer shall be subject to a fine of \$750.00 per day.

Mr. Reimer reported that he had leveled the spoil piles. However, he has been unable to utilize the grindings due to the economic climate and constraints it has placed on developers. He went on to report that he will be staging the equipment tomorrow. He will place the equipment on the back of the southwest corner of the property in a uniformed fashion. In addition, he will clean-up any areas that can be viewed from the streets.

Trustee Erbeck stated that he appreciated everything Mr. Reimer has contributed to the Village including the improvements to his property and the easement donation. Trustee Erbeck noted that the improvements Mr. Reimer made to the Tyrrell Road and Route 72 intersection has increased his property value.

Trustee Erbeck expressed concerns with the weeds growing on Mr. Reimer's property along Route 72 and Tyrrell Road.

Trustee Erbeck stated that the goal of the Board is to have Mr. Reimer's property conform to the Village Codes and look desirable from Route 72, which would assist in attracting new developments.

Trustee Erbeck discussed the need to comply with the timelines and the possibility of additional guarantees.

Trustee Erbeck reported that his major concern was with the aesthetics of Mr. Reimer's property.

Mr. Reimer replied that he is working on installing the watermain and he then would be filling the area located along Route 72.

President Zirk noted that the weed concern is not really the issue being discussed. The weeds located on Mr. Reimer's property are a property maintenance issue and could be addressed by Chief Building Inspector Swedberg.

Trustee Erbeck recalled in previous discussions the concerns with respect to Mr. Reimer's property was the spoil piles and the equipment not being stored on an improved surface.

Trustee Clark stated that he was not involved in the drafting of the agreement three years ago. He questioned the intent of the agreement. He asked was the intent of the agreement not to allow parking on the five acre parcel once the three years was up. Trustee Mierisch stated in her opinion yes. There was to be no parking on lot 49.

President Zirk also was unsure of the intent of the agreement. He questioned was the intent with respect to the storage of the equipment that Mr. Reimer must comply with the Zoning Ordinance or the equipment could not be stored on lot 49.

Trustee Erbeck stated that in his opinion the intent was in order to store heavy equipment on lot 49 there would need to be an improved surface and the equipment would need to be blocked from the site line of Tyrrell Road and I-90.

Trustee Clark discussed the type of pavement that would be required to store heavy equipment.

Administrator Keller reported that an improvement of any lot requires an engineering site plan which would demonstrate compliance with the Zoning and Subdivision Codes. Administrator Keller stated that the concerns Trustee Clark was discussing would be addressed in the engineering site plan.

There was some discussion about the Village requirements that were placed on the Read Excavating Company.

Trustee Clark stated that if the property is cleaned-up and the equipment is parked in an orderly fashion he does not have a problem. Mr. Reimer reported that he is working on staging the equipment and cleaning up his property. He promised that the work should be completed in the next couple of weeks. Mr. Reimer invited the Board Members to walk his property and comment on any concerns they might have. If there was anything the Board Members did not approve of he would comply with their wishes.

Trustee Clark stated that improved parking surface does need to comply with the Subdivision Code. Mr. Reimer stated that he did not have a problem with complying with the Subdivision Code. Mr. Reimer stated that currently he had eighteen inches of grindings on the parking surface.

Administrator Keller reported that there is a site plan approval process which consists of an engineer's certified site plan noting that all improvement complies with the Village Codes. Mr. Reimer stated he would start that process. However, he would not be able to complete the process this year.

Mr. Reimer stated that if he was not permitted to park his equipment on his property he would be forced to go out of business. He went on to report that he is in the process of selling some of his equipment. He is currently down to one large truck.

Trustee Clark expressed concern with the property's frontage area. He noted that it was in disrepair. He noted that it was not included in the agreement. However, it is hard to over look that area. Mr. Reimer agreed to clean-up that area.

Trustee Mierisch stated with all due respect to Mr. Reimer she was involved in the 2007 agreement discussion and she had a couple questions for Mr. Reimer. She reported that in 2007 Mr. Reimer did agree to the agreement. Trustee Mierisch agreed that the economic conditions had changed over the years. However, she stated that Mr. Reimer was aware of the agreement. She questioned why he is now coming before the Board stating that he is unable to comply when he had three years to complete the work. Mr. Reimer replied that he thought on several occasion he was going to sell the property. He went on to report that even now he does have someone expressing interested in the property. In addition, he reported that if there was not a labor strike for three weeks he would have had the area all cleaned up. Mr. Reimer admitted he had waited till the last minute to complete the work. He stated by the middle or end of next week his property will be cleaned up and looking as good as it possibly can.

Trustee Mierisch expressed concerns with the aesthetics of the property from the view of I-90. She noted that the Board is trying to lure businesses and people into the community and the view from I-90 is horrible. Mr. Reimer promised to clean-up the area in question.

Trustee Mierisch stated that in her opinion the agreement had a three year term to allow Mr. Reimer adequate time to improve his property. She went on to say that now that the fines are being applied Mr. Reimer is coming before the Board to ask for relief. Mr. Reimer understood Trustee Mierisch's concerns. However, he stated that he was forced into signing the agreement. Mr. Reimer stated that he had incurred a lot of cost and has not recouped any of it. Trustee Mierisch understood that currently it is a tough economic environment. However, she noted that the improvements Mr. Reimer made were a benefit to him when he finally does sell his property.

Trustee Zambetti reported that he was also involved in the 2007 agreement discussions. He reported that the intent of the agreement was to get the property into compliance with Village Codes. He noted that the other industrial land owners were required to comply with the Village Codes. He reported that the Board is trying to be consistent in enforcing the Village's Codes.

Trustee Zambetti realized the position that Mr. Reimer was in. He stated that the Board is not trying to make revenue by imposing the fines. However, they do want Mr. Reimer's property to comply with the Village Codes. Trustee Zambetti stated that in all fairness to the other industrial property owners that have complied with the Village's Codes Mr. Reimer should have to comply.

Trustee Farrell reported that she was not involved in the agreement discussions. However, she cannot understand why in the past they allowed Mr. Reimer three years to comply with Village Codes.

Trustee Farrell stated that her interpretation of the agreement is that Mr. Reimer is not required to remove the equipment. However, she expressed concerns with Mr. Reimer waiting till the eleventh hour to ask for more time to complete the improvements. Mr. Reimer responded that the economy in the last three years has been the worst economy since the 1930's. He went on to report he could have asked the Board for six years and the Board would have agreed. He just would never have dreamed the economy would take a turn for the worst. Trustee Farrell replied that six years would have been even worse. She reported that many private residents have expressed concern with the condition of the property located along Route 72. Mr. Reimer stated that he would remove the equipment.

Trustee Cullotta asked Mr. Reimer exactly what is he looking for the Board to do. Is he asking the Board to waive the fines? Mr. Reimer replied yes. He stated he can not afford to pay the fines. In addition, Mr. Reimer stated that it was not his interpretation of the agreement that his equipment would have to be moved and that he was allowed to use the grinding on the interior road which have yet to be completed. However, he will clean-up the area, remove the grindings and park the equipment in an orderly fashion and clean-up the area along Route 72.

President Zirk summarized the main concerns the Board Members had jointly expressed as follows:

- Weeds and/or grass areas are mowed
- Grinding piles are leveled
- All construction equipment is relocated to Lot 49, aligned in orderly rows
- Pipes and other materials are relocated to a centralized, organized storage area on Lot 49
- The Village or their designee is allow to correct any and all drainage concerns

President Zirk stated the one matter he did not hear discussed was the condition of Sola Drive.

President Zirk directed Administrator Keller to draft a letter outlining the concerns and specifying dates by which each of the concerns need to be addressed.

Trustee Mierisch asked that the letter be clear and concise. In addition, she disagreed that the past Board would have signed a six year agreement. Trustee Mierisch stated at the time she thought three years was to long. Trustee Mierisch went on to say that she is very skeptical that Mr. Reimer will comply with the new timeline.

The Board concurred to revisit this issue in two weeks.

Administrator Keller asked for the Board to consider deliberating this matter in closed session.

### **Presentations**

#### **Business Introduction for the Point Bar & Grill**

Administrator Keller introduced the new owners of the Point Bar & Grill. Owner Mark Bender reported that he along with his wife Rocio and partner Silvia Meyers was in the process of remodeling the restaurant and planned to reopen on Thursday, August 5<sup>th</sup> for dinner. The Board wished the new owners well.

**Introduction of Lisa Siegbahn, Utilities Clerk**

Administrator Keller introduced the new part-time Utilities Clerk, Lisa Siegbahn. The Board Members welcomed her.

**Consent Agenda**

President Zirk asked the Board Members if there were any items they would like removed from the consent agenda. Trustee Mierisch requested item 5A be removed.

**A motion was made by Trustee Erbeck and seconded by Trustee Zambetti to approve the consent agenda excluding item 5A as follows:**

**A motion to approve Minutes from the July 13, 2010 Committee of the Whole Meeting**

**A motion to ratify the Bills and Salaries dated July 20, 2010 as follows: General fund \$54,993.09, Developer Donations \$3,895.00, Permit Pass Thrus \$13,821.50, Performance Bonds and Escrows \$2,849.00, Water Fund \$72,614.62 and Payroll \$101,005.78.**

**A motion to approve Bills and Salaries dated August 3, 2010 as follows: General fund \$68,814.80, Developer Donations \$1,990.00, Performance Bonds and Escrows \$6,727.66, Water Fund \$38,292.23 and Payroll \$46,685.22.**

**A motion to approve the Treasurer's Report for June 2010**

Roll call: Vote: 6-eyes (Trustees Clark, Mierisch, Zambetti, Farrell, Cullotta and Erbeck) 0-nays: 0-abstained. Motion carried.

Trustee Mierisch reported that there needs to be a minor change on the minutes dated July 6, 2010. The organization referenced on page 4 should have been the Citizens Corps Council. She stated that the only reason she brings this to the Village Clerk's attention is that the organization uses the minutes to receive grants. Village Clerk Meadows will correct the minutes to reflect the correct organization.



**A motion was made by Trustee Erbeck and seconded by Trustee Clark to approve the July 6, 2010 minutes as amended.** Roll call: Vote: 6-ayes: (Trustees Mierisch, Zambetti, Farrell, Cullotta, Erbeck and Clark). 0-nays: 0-abstained. Motion carried.

### **Items for Discussion**

#### **Scada System-Baxter & Woodman**

Engineer Robyn Doescher and Chris Sosnowski provided the Board with a power point presentation describing the benefits of a SCADA system for the management of the water and wastewater facilities.

Trustee Mierisch requested more information with respect to cost savings. Engineer Doescher stated that many of the reports and tasks that the SCADA system provides the Village is not currently performing.

#### **Staff Reports**

Finance Director Blocker provided the Board with an update on the water billing.

#### **Board of Trustee Reports**

Trustee Erbeck reported on an Economic Development Program offered by the Village of Barrington.

Trustee Zambetti inquired about the status of the dead or dying trees in Gilberts Town Center. Chief Building Inspector Swedberg reported that Ryland is working on tagging the trees in question. The Village will have its own arborist also investigate this matter.

Trustee Farrell asked if the Village regularly checks the condition of the Hennessey Bridge. Chief Building Inspector Swedberg reported that he checks the status of the bridge area weekly.

Trustee Farrell asked about the status of the directional signage. Chief Building Inspector Swedberg reported that the sign post had been installed and the signage would be installed on Wednesday.

Trustee Farrell asked Ms. Kellie Hurley, Ms. Sue Corbett, and Village Clerk Meadows to please rise. She went on to commend them for all of their hard work on putting together the Community Days Festival. Village Clerk Meadows thanked President Zirk, Trustee Zambetti, Trustee Farrell and Trustee Mierisch for all their hard work.

Trustee Cullotta inquired about the status of the Village entrance signs.

Trustee Cullotta reported that some residents had expressed concerns about the safety of children riding their bikes from Woodland Meadows to the Timber Trails Subdivision. He asked staff to see if there was any Village owned easement that would be utilized to provide a safer route.

#### **Executive Session**

**A motion was made by Trustee Erbeck and seconded by Trustee Clark to close a portion of the meeting to the public, effective immediately with no business to follow as permitted by 5ILCS 120/2 (c) (21) to discuss litigation affecting, or on behalf of the Village which has been filed and is pending in a court or administrative tribunal of which is imminent and as permitted by 5 ILCS 120/2 (c) 2 Collective negotiating matters.** Roll call: Vote: 6-ayes: (Trustee Zambetti, Farrell, Cullotta, Erbeck, Clark, and Mierisch) 0-nays: 0- abstained. Motion carried.

The Board Members along with Administrator Keller, Chief Building Inspector Swedberg and Village Clerk Meadows went into Executive Session at 8:53 p.m. and returned to the public meeting at 10:16 p.m.

#### **Adjournment**

There being no further business to discuss, **a motion was made by Trustee Erbeck and seconded by Trustee Clark to adjourn from the public meeting.** Roll call: Vote: 6-ayes by unanimous voice vote. Adjournment time: 10:18 p.m.